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EXAMINER	
JONES, E	
ART UNIT	**PAPER NUMBER**
1804	8

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DATE MAILED: 08/14/96
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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.
for Restriction purposes only
A shortened statutory period for response to this action is set to expire ~~_____ month~~(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1 - 31 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1 - 31 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-8, drawn to a method for the in vitro proliferation of a multipotent neural stem cell comprising the steps of obtaining the neural tissue, dissociating the neural tissue, culturing the neural tissue, and passaging the neural stem cell progeny, and the cell culture obtained by the method , classified in Class 435, subclass 240.2, for example.

Group II. Claims 9-15, drawn to a method of producing a cell culture comprising non-tumorgenic, genetically modified neural stem cells and the cell culture produced, classified in Class 435, subclass 172.3, and class 435, subclass 240.2, for example.

Group III. Claims 16-18, drawn to a method of remyelinating a neuron comprising dissociating neural tissue, exposing dissociated neural tissue to growth factors, harvesting the neural stem cell progeny and causing the neural stem cell progeny to come into contact with a demyelinated axon to effect remyelination as classified in Class 424, subclass 93.1, for example.

Group IV. Claim 19, drawn to a method for the in vivo proliferation of a precursor cell located in the CNS comprising administering at least one proliferation inducing growth factor two the CNS tissue, classified in Class 514, subclass 2 for example.

Group V. Claims 20-21, drawn to the method for the in vivo genetic modification of a CNS precursor cell located on tissue lining a CNS ventricle comprising administering genetic material and at least one proliferation inducing growth factor to said ventricle, classified in Class 514, subclass 44, for example.

Group VI. Claims 22-25, drawn to a method of treating a neurological disorder comprising administering a composition comprising a proliferation inducing growth factor and genetic material, classified in Class 514, subclass 2 and Class 514, subclass 44, for example.

Group VII. Claims 26-27, drawn to method of transplanting neural stem cell progeny, classified in Class 424, subclass 93.1, for example.

Group VIII. Claims 28-30, drawn to a method for determining the effect of at least one biological agent on the differentiation of neural cells, classified in Class 435, subclass 7.1, for example.

Group IX. Claim 31, drawn to a cDNA library, classified in Class 536, subclass 23.1, for example.

The inventions are distinct, each from the other because of the following reasons:

Invention I is independent and distinct from Inventions II-IX since the method of I is drawn to in vitro culture of neural stem cells and does not require the genetic modification of the cells as does invention II. Invention III is independent from all of the listed inventions since III requires contacting the neural stem cell progeny with a demyelinated axon and therefore the method requires different procedures and different compositions than does either of Inventions I or II. Invention IV is drawn to a method for the in vivo proliferation of a precursor cell and therefore requires different protocols and starting materials than does any of Inventions I-III. Invention V is independent and distinct from Inventions I-IV since V requires the in vivo genetic modification of the cells in situ and therefore requires different starting materials not required by any Inventions I-IV. Invention VI is independent and distinct from Inventions I-V since VI requires the in vivo use of a proliferating inducing factor, usually a protein, and or use of genetic material, to treat a neurological disorder and therefore the starting materials and protocols are different than in any of Inventions I-III; and the combination therapy involves materially different

considerations of administration, versus Inventions IV and V. Invention VII is independent and distinct from any of Inventions I-VI since VII requires the transplantation of cells and therefore requires use of different protocols than does any of Inventions I-VI. Invention VIII is independent and distinct from any of Inventions I-VII since VIII is a method drawn to determining the effect of biological agents and therefore use different procedures and starting materials and has different end points than does any of Inventions I-VII. Invention IX is independent and distinct from any inventions I-VIII since IX is a product not used in any of the above methods. Each of Inventions I-IX has separate search requirements which are not coextensive to each of the other Inventions.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as evidence by their different classification, divergent subject matter and separate search requirements, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Group 1800 via the PTO FAX center located in Crystal Mall 1. The faxing of such papers must conform with the notice published on the Official Gazette, 1096 OG (30 November 15, 1989). The CM1 Fax Center Number is (703) 308-0294.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Jones whose telephone number is (703) 305-7018. -In the event that the examiner is not available, the examiner's supervisor, Ms. Jacqueline Stone, may be contacted at (703) 308-3153.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-0196.

JACQUELINE M. STONE
SUPERVISORY PATENT EXAMINER
GROUP 1800